

EXHIBIT 14

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Page 1

1

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4

5 -----x

6 AUSTIN FENNER and IKIMULISA LIVINGSTON,

7 Plaintiffs,

8 vs.

9 NEWS CORPORATION, NYP HOLDINGS, INC.,

10 d/b/a THE NEW YORK POST and DAN GREENFIELD

11 and MICHELLE GOTTHELF,

12 Defendants.

13 -----x

14

15 C O N F I D E N T I A L

16 ATTORNEYS' EYES ONLY

17

18 VIDEOTAPED DEPOSITION OF MICHELLE GOTTHELF

19 New York, New York

20 Thursday, March 29, 2012

21

22

23

24 Reported by: David Henry

25 JOB NO. 47779

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1 Gotthelf - CONFIDENTIAL	1 Gotthelf - CONFIDENTIAL
2 A. I did.	2 Q. Other than Ms. Baird, do you know
3 Q. So when you say you have no	3 of any black editors on the metro desk in
4 direct knowledge, you mean you weren't	4 the history of the newspaper?
5 there when she was fired, correct?	5 MR. LERNER: Objection.
6 A. No, I mean she was working in a	6 A. I'm sorry, the history of the
7 completely different department than me.	7 newspaper?
8 Q. So you were not on the metro desk	8 Q. Just do you know of any other
9 in 2001?	9 black editors?
10 A. I was not. Well, for half, but	10 A. It's a 200-year old newspaper.
11 while Ms. Baird was there, I was not.	11 Q. I understand. I'm just asking
12 Q. What is your understanding of why	12 you, can you name any other black editors
13 she was fired?	13 that worked on the metro desk at any point?
14 MR. LERNER: Objection.	14 A. On the metro desk, I have been
15 A. I don't know the specifics.	15 there -- in my 11 years, no; 11 and a half
16 Q. Okay. Who would have fired her?	16 years.
17 MR. LERNER: Objection.	17 Q. Okay, fair enough. I think you
18 A. I couldn't tell you.	18 said that Mr. Haberman was Ms. Livingston's
19 Q. Was Col Allan editor in 2001?	19 direct supervisor -- or let me put it this
20 A. Yes.	20 way.
21 Q. Would he have been the one to	21 Was Mr. Haberman directly
22 make an ultimate decision about firing an	22 responsible for Ms. Livingston?
23 editor on the metro desk?	23 MR. LERNER: Objection.
24 MR. LERNER: Objection.	24 A. Yes.
25 A. I don't know.	25 Q. And would one of these other
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1 Gotthelf - CONFIDENTIAL	1 Gotthelf - CONFIDENTIAL
2 associate editors have been responsible for	2 not?
3 Mr. Fenner?	3 A. Yes, but --
4 MR. LERNER: Objection.	4 Q. Go ahead, if you have more to
5 A. Mr. Fenner, yes.	5 add, please.
6 Q. Who would that have been?	6 A. That's fine.
7 A. Mr. Fenner did not have a direct	7 Q. Can you describe for me, I guess
8 supervisor so it would be me and	8 just in general terms at least initially,
9 Mr. Greenfield.	9 what is the role of these editors who work
10 Q. Okay, so none of the associate	10 under you?
11 metro -- the four listed as associate metro	11 MR. LERNER: You're asking
12 editors, Mr. Fenner would not report to any	12 about the associate editors?
13 of those four people?	13 Q. The associate editors, correct.
14 A. He would. We're talking about --	14 In other words what do they do? What is
15 you're asking, I'm trying to make it clear	15 their job?
16 for you. Some reporters have direct	16 A. Some of them have direct reports,
17 supervisors.	17 people that report to them directly. Some
18 Q. Right.	18 of them have specific assignments, i.e. the
19 A. Mr. Fenner didn't because of his	19 political editor, but they are ultimately
20 position, so he would ultimately answer to	20 all responsible for gathering news from the
21 me and Mr. Greenfield, but every editor on	21 reporters and making news judgments, and
22 the metro desk he would answer to as well.	22 giving me the story rides. And then it
23 Q. Right. So unlike Ms. Livingston	23 goes beyond that. I can sit here all day
24 who had basically a direct supervisor who	24 and explain the entire process.
25 was associate metro editor, Mr. Fenner did	25 Q. Would they ever rewrite stories

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1 Gotthelf - CONFIDENTIAL	1 Gotthelf - CONFIDENTIAL
2 A. To develop story ideas, develop	2 ahead.
3 confidence in people. I mean, sure.	3 A. Because she wasn't doing well at
4 Q. Do you think that a person who	4 it. I've overseen courts at the New York
5 was simply temporarily in the job would	5 Post for 11 years. I have had a number of
6 have a good opportunity to develop those	6 reporters in Queens court. Ms. Livingston
7 sorts of sources?	7 was not doing a great job at Queens court.
8 A. Eventually. It also depends on	8 I was figuring out what my next step was.
9 how good the person is.	9 It's my job. I reassign people.
10 Q. You say eventually, so in other	10 Q. Did Ms. Livingston know people at
11 words it takes time to develop that, right?	11 the Queens courthouse?
12 A. Sure, or a really good reporter	12 MR. LERNER: Objection.
13 can develop it immediately. It all	13 A. I would assume she did, since she
14 depends.	14 was based in the Queens courthouse.
15 Q. But did you have a really good	15 Q. But you don't know for certain?
16 reporter in mind to take over from	16 A. No, you don't know for certain.
17 Ms. Livingston when she was taken off?	17 Q. All right, let me direct your
18 A. I did not. I eventually put a	18 attention to the next paragraph. It's the
19 very good reporter in there, but at this	19 paragraph beginning Michelle stated that
20 time I was wondering what I was go to do	20 there are other runner reporters who don't
21 with it.	21 have desks or phones because there are not
22 Q. So why would you remove her when	22 enough for everyone. Do you see that?
23 you didn't have someone to replace her	23 A. Yes.
24 immediately?	24 Q. Is that accurate, what you said
25 MR. LERNER: Objection. Go	25 to Ms. Kelly and Ms. Juhn?
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1 Gotthelf - CONFIDENTIAL	1 Gotthelf - CONFIDENTIAL
2 MR. LERNER: Objection.	2 sure?
3 A. I said from what I recall two	3 A. I'm not sure. Yeah, I'm not
4 things. There are not enough for everyone	4 sure.
5 and field reporters, runner reporters don't	5 Q. The bottom sentence says Michelle
6 have assigned desks. Ms. Livingston can	6 said Kim never asked for a phone number at
7 come into the office and use a desk	7 the office. If she had it would have been
8 whenever she needs to use a desk. It's	8 an easy request because you can have a
9 desk assignment -- there's only a number of	9 phone number without being assigned a
10 them.	10 phone. Do you see that?
11 Q. Okay, but did you tell Ms. Kelly	11 A. Sure.
12 and Ms. Juhn that you don't have, quote,	12 Q. So was the issue that she didn't
13 have desks or phones?	13 have a phone or that she did not have a
14 MR. LERNER: Objection.	14 phone number?
15 A. I'm sorry, say that again?	15 MR. LERNER: Objection.
16 Q. Is this correct, it says here,	16 A. I only remember an issue about a
17 Michelle stated that there are other runner	17 desk.
18 reporters who don't have desks and phones	18 Q. Okay, did Kim ever ask you -- and
19 because there are not enough for everyone.	19 again, this is going back to your meeting
20 Did you tell them that you did not have	20 with Ms. Livingston. Did Kim ever ask you
21 enough desks or phones for all of your	21 for a desk at that meeting where you told
22 runner reporters?	22 her she was being taken off the Queens
23 A. I'm sure that was one. I may	23 courthouse?
24 have.	24 A. No, she asked me to see if she
25 Q. You may have, but you're not	25 can get a desk. I don't remember a phone.